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ORIGINAL: ENGLISH

# REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS ANGOLA VERIFICATION MISSION (UNAVEM III)

## I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1098 (1997) of 27 February 1997, by which the Council, inter alia, decided to extend the mandate of UNAVEM III until 31 March 1997. It covers recent developments since my report of 7 February 1997 (S/1997/115) and contains recommendations regarding the further extension of the mandate of the Mission.

## II. POLITICAL ASPECTS

2. During the reporting period, my Special Representative, Mr. Alioune Blondin Beye, in close collaboration with the representatives of the three observer States (Portugal, the Russian Federation and the United States of America), held intensive consultations on the implementation of Security Council resolution 1098 (1997). Those consultations involved meetings with President José Eduardo dos Santos and with the leader of the União Nacional para a Independência Total de Angola (UNITA), Mr. Jonas Savimbi, as well as with senior officials from both sides. Their main focus was the formation of the Government of Unity and National Reconciliation, on the status of which I reported to the Security Council on 19 March 1997 (S/1997/239).

3. On 21 March 1997, the Joint Commission adopted a draft law on the special status of Mr. Savimbi, in his capacity as the leader of the largest opposition party. That draft is to be presented to the National Assembly for promulgation into law. The Joint Commission also adopted an updated timetable for the implementation of the outstanding provisions of the Lusaka Protocol.

4. Regarding the crucial issue of the normalization of State administration throughout the national territory, the Central Intersectoral Operation Group, the body responsible for the implementation of that task under the chairmanship of the Minister for Territorial Administration, has held two meetings and adopted its terms of reference and rules of procedure. The Government has proposed to start the normalization process as soon as possible in M'banza Congo, capital of the province of Zaire, but UNITA has maintained that the

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process can proceed in the areas of the country it controls only after the establishment of the Government of Unity and National Reconciliation.

5. During the reporting period, the dissemination of hostile propaganda by UNITA has shown a marked increase, especially over Radio "Vorgan". While the administrative formalities for the transformation of "Vorgan" into a non-partisan radio station have been completed, the allocation of frequencies has yet to be agreed upon. UNITA's request for the use of short-wave frequencies has not been accepted by the Government, which has however indicated that it would be prepared to authorize UNITA to establish as many FM stations as it wishes, to enable it to broadcast as widely as possible.

6. In an attempt to overcome the impasse in the peace process, and to impress upon the parties the need to establish the Government of Unity and National Reconciliation, I undertook to visit Angola. I arrived in Luanda on 22 March and held consultations with my Special Representative, Prime Minister Van-Dunem and Foreign Minister de Moura, as well as with the representatives of the three observer States and the heads of the Government and UNITA delegations to the Joint Commission.

7. On 21 March, after consultations with my Special Representative, the Government agreed to begin, without any preconditions, to discuss a programme for the new Government; those discussions started on the same day. On 24 March, I met with Mr. Savimbi in Bailundo and, as a result of our frank tête-à-tête, the UNITA leader agreed to send all remaining UNITA National Assembly deputies to Luanda on 25 March. I undertook to welcome them personally in the Angolan capital and to address a joint session of the National Assembly to be held on the same day. Mr. Savimbi promised that several UNITA officials designated to take up posts in the Government of Unity and National Reconciliation who were present in Bailundo would also arrive in Luanda on 25 March, on the same flight, to be arranged by the United Nations. The rest of the designated officials would proceed to Luanda not later than 26 March, so as to allow the Government of Unity and National Reconciliation to be inaugurated expeditiously.

8. I also explored with Mr. Savimbi the possibility of arranging in the near future a meeting inside Angola between him and President dos Santos. All the above-mentioned issues were considered in detail during my meeting with President dos Santos on 24 March. He welcomed the promising signs which had emerged from my talks in Bailundo. At the same time, President dos Santos stressed the importance of the full implementation of all major aspects of the Lusaka Protocol, including military, police and political matters, the extension of state administration throughout Angola and other pressing issues. He expressed the hope that the international community would continue to monitor closely the peace process in Angola until all obligations derived from the Lusaka Protocol had been fulfilled. With regard to the formation of the Government of Unity and National Reconciliation, President dos Santos emphasized that he would determine a date for the inauguration of that Government after the arrival of all UNITA deputies and designated officials in Luanda, bearing in mind the time needed for proper preparations.

## III. MILITARY ASPECTS

9. The ceasefire has continued to hold throughout Angola. Small-scale incidents persist, however, particularly in the provinces of Benguela and Huila, involving attacks on villages mainly by the Civil Defence Corps, but also by the Angolan Armed Forces (FAA), UNITA and unidentified elements. Government armed forces still have not withdrawn from some locations in the province of Bié. In the Lundas, some tension also persists over control of diamond-producing areas. Allegations by UNITA of FAA infiltration and UNITA's continued restriction on UNAVEM activities have also heightened tension. Both sides also continue to accuse each other of troop movements, none of which has been confirmed by UNAVEM III.

10. As at 20 March 1997, 70,904 UNITA troops had been registered in the 15 selection and demobilization centres maintained by the United Nations. Of that number, 26,966 have deserted or were temporarily absent from the camps. During the reporting period, little progress was made in the demobilization process. With regard to the selection of UNITA troops to be incorporated into FAA, on 12 March 1997 both parties agreed to terminate the exercise, and the Government announced that, as at that date, a total of 17,209 UNITA troops had been selected. As at 20 March, the total of those incorporated into FAA had reached 7,491.

11. No progress has been made in dismantling the four remaining UNITA command posts. UNITA has not provided a list of its communications equipment despite numerous promises to do so, and it has not surrendered any further military or communications material. Nor has UNITA provided information on the strength and military equipment of its President's security detachment. During the reporting period, the number of known illegal checkpoints on Angolan roads increased from 121 to 132. Illegal checkpoints manned by Government forces have increased by one, to 56, while those controlled by UNITA have increased by 10, to 76. Neither side has been as cooperative in lifting the checkpoints as they were prior to December 1996.

12. As at 20 March, 5,297 United Nations troops, 396 military observers and 258 police observers were deployed throughout Angola. In accordance with the withdrawal plan for UNAVEM III submitted to the Security Council in my report dated 2 December 1996 (S/1996/1000), between 26 February and 4 March 1997, 395 peacekeepers withdrew from Angola without replacement. Another 662 military personnel are scheduled to withdraw by the end of March. With the scheduled withdrawal of 214 personnel in April 1997, UNAVEM III will have reduced the strength of its military units by about 30 per cent. The Special Representative and the Force Commander have recommended that the further withdrawal of infantry units be slightly delayed, although the overall withdrawal process is still expected to be completed as planned by the end of August 1997.

13. Despite administrative and logistic constraints, UNAVEM III has so far trained and deployed seven Angolan demining brigades, each with 70 personnel, for the Angolan National Institute for the Removal of Unexploded Ordnance (INAROE). A training and logistics base has been established in Viana town, and operational control of that facility was handed over to INAROE on 21 February 1997. UNAVEM III provides equipment for all the demining brigades and the four regional headquarters.

14. During 1996, INAROE deminers and staff received from the Government no financial support other than salary payment, but they have not been paid since the beginning of this year and are totally dependent on United Nations-funded salary supplements and food allowance. Subject to the agreement of the Government, responsibility for support to INAROE will be transferred to the United Nations Development Programme (UNDP) under a two-year programme at an estimated cost of $25 million, to be funded primarily through voluntary contributions from international donors. The Government has not yet formally replied to the UNDP proposal, which was submitted on 24 January. In the interim, UNAVEM III continues to support INAROE on a reimbursable basis from the Department of Humanitarian Affairs. As indicated in my report of 7 February 1997 (S/1997/115), up to 38 United Nations military demining specialists will be required until June 1997. Given the importance of the project, however, continued support may be required even beyond that date, and I shall revert to this question in due course.

15. Non-governmental organizations continue to undertake vital humanitarian survey and demining operations in eight provinces, but those operations will gradually be brought under the direction of INAROE. All are experiencing a decrease in the level of funding by donors. While the eradication of mines and unexploded ordnance may take decades, the Government is determined to remove within five years all those posing an immediate threat to communities. This can only be achieved if financial assistance continues to be provided by the international community.

## IV. POLICE AND HUMAN RIGHTS ASPECTS

16. As at 20 March 1997, 4,905 UNITA policemen had been registered in all 15 quartering areas. Of that number, 873 had deserted and 495 were absent. Of the 5,011 declared by UNITA to be the total strength of its police force, 106 are yet to be quartered. A total of 2,152 weapons of various types and more than 4,000 rounds of ammunition were handed over to UNAVEM III by the quartered personnel. The selection of security personnel for the protection of UNITA leaders was completed, as well as the training of all three groups of recruits, but 34 recruits have deserted from the third group. UNITA has expressed no readiness to replace them, on the grounds that it has already complied with its obligations and that responsibility for the protection of UNITA leaders rests henceforth with the Government.

17. As at 20 March 1997, only 449 UNITA personnel had been selected by the Angolan National Police, as many of those screened did not meet the requirements set by the Government. The educational requirement for selection has now been lowered and instructions have been sent to the selection teams to this effect. Arrangements have been made to complete the selection and incorporation process by 31 March 1997, but the list of UNITA senior officers nominated for induction has yet to be made available.

18. The Angolan National Police continued to carry out sporadic operations to disarm the civilian population in different parts of the country. As at 20 March 1997, some 3,388 arms of various types and more than 16,766 rounds of ammunition had been collected from the civilian population. The storage and

custody of all the weapons collected are monitored and verified by the civilian police of UNAVEM III. Immediate steps need to be taken to disarm the Civil Defence Corps personnel. Incentives, either in cash or in kind, also need to be introduced to encourage civilians to hand over their weapons.

19. UNAVEM III has diversified and stepped up its human rights promotion activities with the cooperation of the respective provincial committees. On the occasion of International Women's Day, on 8 March, UNAVEM III organized meetings for the promotion of women's rights in most of the provinces where human rights officers are deployed. Seminars were conducted in schools in the province of Cuando Cubango and churches in the provinces of Luanda and Malanje, as well as for national police officers in the provinces of Uíge and Huila.

20. During the reporting period, 16 complaints of human rights violations were lodged with UNAVEM III by individuals and other sources. The Standing Ad Hoc Group set up by the Joint Commission to follow up complaints and alleged human rights violations has made progress in its investigations and will report to the Joint Commission in due course. Almost all the 59 complaints lodged so far have been examined, and remedial measures have been adopted by the Government or by UNITA whenever the allegations were proved. I am gratified that a number of European countries and the European Union have agreed to finance the continuing services of the human rights monitors deployed in Angola.

## V. HUMANITARIAN ASPECTS

21. During February and March 1997, lack of security in the south and north of the country hindered normal humanitarian activities and resulted in the death of the coordinator of a local non-governmental organization on the Cubal-Benguela road on 7 February. Other armed attacks in the province of Benguela caused the displacement of an estimated 4,700 families to Cubal town from the Yambala region south of Cubal. The World Food Programme (WFP), the United Nations Children's Fund (UNICEF) and non-governmental organizations have provided assistance to the displaced. Attacks on other villages in the region have provoked the movement of the population in and around Chicuma and Casseque towns. Humanitarian organizations are assisting some 3,100 families from 14 villages in the region. Since November 1996, an estimated 14,000 people have been displaced by insecurity in the province of Benguela. In February 1997, Save the Children evacuated Quibaxe, a UNITA-controlled area in Bengo province, after armed groups looted all stored food and non-food items destined for distribution to populations in and around the municipality. Save the Children has not returned to the area since the evacuation. According to UNITA officials, lack of security in Bengo province stems from the fact that UNITA police have vacated the localities in order to be quartered.

22. Drought in some parts of the country has resulted in crop damage in coastal regions and some northern provinces. A joint mission of the Food and Agriculture Organization of the United Nations (FAO) and WFP is scheduled to assess the food supply situation in mid-April. A UNICEF vaccination campaign is under way in the northern region and in other parts of the country. The work of vaccination teams in some municipalities has been hindered by UNITA's refusal to let Government personnel work in its areas.

23. In an effort to develop a coordinated strategy for the resettlement programme for internally displaced persons, a seminar sponsored by the Ministry of Social Assistance and Reintegration was held in February 1997 and attended by United Nations agencies, the International Organization for Migration (IOM) and non-governmental organizations. During the reporting period, few internally displaced persons have returned to their areas of origin, owing to insecurity and to delays in the normalization of state administration.

24. As at 20 March 1997, 2,028 ex-UNITA under-age personnel had been demobilized in eight selection and demobilization centres. The demobilization activities of other centres, initially scheduled for mid-February 1997, were postponed because of delays in the disbursement of the Government's special subsidy. UNAVEM III has informed the Government that the regular provision of those funds is essential for the early, rapid and orderly demobilization of excess troops.

25. Another constraint to demobilization has been restricted access for family tracing activities for the under age. Despite ongoing attempts by the United Nations and non-governmental organization humanitarian partners to re-establish contact with some of the under age, who were demobilized during the first phase, it has not always been possible to ensure access at the provincial level and appropriate monitoring. Sporadic incidents also continue to occur in some UNITA areas, including harassment of humanitarian personnel working on family tracing programmes. Furthermore, interference in the choice by quartered personnel of their resettlement locations continued at the local level, despite commitments from UNITA.

26. During the month of February, the first 213 under-age soldiers from FAA were returned to their families, but FAA delays in providing information on the background, expectations and total number of under-age soldiers have complicated planning for their demobilization. As at 15 March 1997, registration of military war disabled was completed at five special centres. Preparations are under way to commence the demobilization for those personnel.

27. On 20 February 1997, a rapid demobilization plan, developed by the Technical Working Group of the Joint Commission, was endorsed by the Commission during a follow-up session of heads of delegations. The plan entails the completion of demobilization of ex-UNITA personnel at all selection and demobilization centres and special centres for the disabled during a five-month period, starting in March and following a regionally based approach. However, the commencement of the rapid demobilization has been delayed pending the declaration of completion of selection of UNITA elements for incorporation into FAA. Although the Government has announced the allocation of funds, the actual availability of the necessary financial resources for the payment of the special subsidy is yet to be confirmed. Continuing delays in the commencement of rapid demobilization are testing the morale of quartered personnel and the financial standing of agencies involved in the process. A strong joint effort and political commitment is, therefore, necessary to ensure the immediate commencement of the orderly demobilization of excess troops, while preparations must be stepped up to facilitate their gradual and progressive reintegration into Angolan society.

28. Furthermore, effective and timely demobilization relies on the strong participation of Government institutions mandated to oversee the reintegration of former military personnel. The institutional rearrangement of the National Institute for the Socio-Professional Reintegration of Ex-Combatants, which is a prerequisite for the correct functioning of the demobilization process, unfortunately has not yet been finalized.

## VI. SOCIO-ECONOMIC ASPECTS

29. During the reporting period, the Council of Ministers adopted the Government's socio-economic programme for 1997, which aims at achieving the following objectives: significant reduction in the level of inflation; effective monetary control; rigorous control of the state budget; unification of foreign exchange rates; stemming the decline in the purchasing power of the population; and improving transparency and discipline in the budgetary process.

30. The Government is planning to launch, with the assistance of UNDP, a programme of economic management to address capacity-building needs in the main economic management institutions. This initiative will complement the existing UNDP/IMF technical assistance programme in the Ministry of Finance and National Bank of Angola. The programme also stresses the need to create an appropriate environment for the development of an indigenous private sector.

31. Inflation in the latter part of 1996 and early in 1997 remained well below the rates of earlier periods, as monthly price increases fell to less than 1.0 per cent in November 1996. A slight increase, due to a loosening of fiscal and monetary controls, was registered late in the year, with monthly inflation rising to 5.5 per cent in December 1996 and 7.9 per cent in January 1997. The Government continued to limit the growth of the money supply by sharply restricting cash payments for budgetary expenditures, but budgetary commitments and arrears continued to mount, raising doubts about how long present policies can be sustained.

32. Further policy discussions with IMF and the World Bank have not yet taken place, as a result of the Ministry of Planning's request that they be postponed until after the Government of Unity and National Reconciliation takes office. Meanwhile, the Government accepted UNDP's proposal to establish an Inter-Ministerial Advisory Group on the economy to advise the Government, monitor economic policies and assist in negotiations with IMF and the World Bank. In addition, the Government has requested assistance in the areas of external debt negotiation, debt swaps and conversions, and in the building of a national capacity to address issues related to external debt.

## VII. FINANCIAL ASPECTS

33. As indicated in paragraph 48 of my report of 7 February 1997 (S/1997/115), the General Assembly has provided resources for the maintenance of UNAVEM III for the period from 1 July 1996 to 30 June 1997, to be assessed on Member States at a monthly rate of $22,996,400 gross ($22,496,800 net), subject to the extension of the Mission's mandate by the Security Council.

34. Should the Security Council decide to extend the mandate of UNAVEM III, the cost of maintaining the Mission would be within the monthly rate indicated above.

35. As at 20 March 1997, unpaid assessed contributions to the UNAVEM special account for the period since the inception of the Mission amounted to $126.8 million. The total outstanding assessed contributions for all peacekeeping operations was $1,815.9 million.

## VIII. OBSERVATIONS

36. Over the past six weeks there has been little progress towards the implementation of the remaining aspects of the Lusaka Protocol. As noted in my report of 19 March 1997 to the Security Council (S/1997/115), despite intensive efforts, the Government of Unity and National Reconciliation has yet to be established, primarily because UNITA did not send to Luanda those of its officials who have been designated to joint the National Assembly and the new Government. The repeated delays in the fulfilment of this obligation have had a negative impact on the implementation of the peace process, including the normalization of state administration throughout Angola, the incorporation of UNITA troops into FAA and the Angolan National Police, and the demobilization of excess UNITA personnel. This was underscored by the Security Council in its statement of 21 March 1997 (S/PRST/1997/17).

37. However, my visit to Angola and, in particular, the meetings I held there with President dos Santos and Mr. Savimbi give rise to expectations that new vigour can be injected into the peace process. The resolution of the future status of the UNITA leader and the promise of Mr. Savimbi to send to Luanda the rest of the UNITA National Assembly deputies and additional designated officials with a view to establishing the Government of Unity and National Reconciliation are encouraging signs. If these commitments are fulfilled, I am confident that it will be possible to establish the Government of Unity and National Reconciliation in the very near future. Final and courageous steps need to be taken by the two parties and their leaders in order to complete the peace process expeditiously.

38. The present report describes the discussions I had in Angola as of 24 March. I intend to provide a more detailed assessment of my visit upon my return to Headquarters on 31 March 1997. In the meantime, given the uncertainty concerning the exact date for the inauguration of the Government of Unity and National Reconciliation, I recommend that the Security Council consider extending the mandate of UNAVEM III for two weeks only, until 15 April 1997.

Annex

UNAVEM III - contributions as at 20 March 1997

| Country | Military observers | Civilian police officers | Staff officers | Troops[a] | Total |
|---|---|---|---|---|---|
| Bangladesh | 19 | 21 | 11 | 203 | 254 |
| Brazil | 20 | 10 | 35 | 911 | 976 |
| Bulgaria | 10 | 15 | - | - | 25 |
| Congo | 4 | - | - | - | 4 |
| Egypt | 20 | 13 | 1[b] | - | 34 |
| France | 16 | - | 11[b] | - | 27 |
| Guinea-Bissau | 18 | 4 | - | - | 22 |
| Hungary | 10 | 7 | - | - | 17 |
| India | 32 | 10 | 50 | 900 | 992 |
| Jordan | 22 | 21 | 2[b] | - | 45 |
| Kenya | 19 | - | - | - | 19 |
| Malaysia | 20 | 20 | 3[b] | - | 43 |
| Mali | 10 | 15 | - | - | 25 |
| Namibia | - | - | 4 | 198 | 202 |
| Netherlands | 16 | 10 | 8[b] | - | 34 |
| New Zealand | 6 | - | 7[b] | - | 13 |
| Nigeria | 21 | 21 | - | - | 42 |
| Norway | 5 | - | - | - | 5 |
| Pakistan | 10 | - | 16[b] | - | 26 |
| Poland | 7 | - | - | - | 7 |
| Portugal | 10 | 28 | 8 | 311 | 357 |
| Romania | - | - | 23 | 759 | 782 |
| Russian Federation | 9 | - | 2 | 155 | 166 |
| Senegal | 20 | - | - | - | 20 |
| Slovakia | 10 | - | - | - | 10 |
| Sweden | 21 | 10 | - | - | 31 |
| Ukraine | 5 | - | 8 | 3 | 16 |
| United Republic of Tanzania | - | 3 | - | - | 3 |
| Uruguay | 7 | 13 | 37[b] | 674 | 731 |
| Zambia | 10 | 15 | 22 | 505 | 552 |
| Zimbabwe | 19 | 22 | 41 | 678 | 760 |
| Total | 396 | 258 | 289[c] | 5 297 | 6 240 |

[a] Including military police.

[b] Including military specialists in the UNAVEM III demining school and in Quartering Area Administration.

[c] The total figure does not include the five demining experts seconded by Germany.

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Department of Public Information
Cartographic Section

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UNITED
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25 March 1997

ORIGINAL: ENGLISH

LETTER DATED 24 MARCH 1997 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ISRAEL TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I refer to the letters dated 27 February 1997 (S/1997/165) and 18 March 1997 (S/1997/233) from the Permanent Observer of Palestine addressed to the President of the Security Council and the Secretary-General, respectively, requesting an immediate meeting of the Security Council.

As you will be aware, these letters do not constitute valid requests for meetings of the Security Council since they were made by a representative of an organization and not a State, as required by the Charter of the United Nations and the provisional rules of procedure of the Security Council.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) David PELEG
Chargé d'affaires a.i.

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**UNITED NATIONS** **S**

**Security Council**

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S/1997/249*
26 March 1997

ORIGINAL: ENGLISH

IDENTICAL LETTERS DATED 24 MARCH 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ISRAEL TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

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I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) David PELEG
Chargé d'affaires a.i.

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**UNITED NATIONS** **S**

**Security Council**

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S/1997/249**
4 April 1997

ORIGINAL: ENGLISH

IDENTICAL LETTERS DATED 24 MARCH 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ISRAEL TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

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I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) David PELEG
Chargé d'affaires a.i.

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**UNITED NATIONS** **S**

**Security Council**

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S/1997/250
25 March 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 24 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 22 March 1997 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq. It concerns the serious repercussions the sanctions have had on the humanitarian situation in Iraq and testimony from United Nations agencies, international humanitarian bodies and non-governmental organizations concerning the death and suffering the sanctions are bringing to the civilian population and, in particular, to children. This is manifestly incompatible with the purposes and principles of the United Nations and the rules and norms of international humanitarian law.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative

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Annex

Letter dated 22 March 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

1. The serious consequences of the sanctions and the embargo imposed on Iraq have aroused widespread international concern in official, political, legal and civic circles. This concern has found expression at the meetings, seminars and study groups held in various parts of the world that have considered the grievous suffering caused by the sanctions and by the embargo and that have addressed urgent appeals to the United Nations and the international community as a whole for action to lift the sanctions imposed on the Iraqi people and to enable that people, through the use of its own resources and capacities, to secure the provision of its basic civilian needs.

2. I am pleased to transmit to you herewith the text of the verdict reached by the International Tribunal on the War Crimes and Crimes against Humanity Committed by the Security Council against Iraq, meeting at Madrid on 16 and 17 November 1996 (see enclosure). Many international personalities in the legal, judicial and political fields participated in the work of the Tribunal, and it considered evidence and documents and heard the testimony of eyewitnesses who included politicians, lawyers, physicians and researchers from all parts of the world who had visited Iraq and seen at first hand living examples of the human suffering being endured by the people of Iraq owing to the insistence of a well-known influential minority in the Security Council on maintaining the firm grip of sanctions in a manner manifestly incompatible with the purposes and principles of the United Nations and the norms and provisions of international humanitarian law.

3. While all the relevant international covenants, conventions and instruments, and pre-eminently the Charter of the United Nations, "reaffirm faith in fundamental human rights [and] in the dignity ... of the human person", the measures being taken against the people of Iraq and the policies and practices that seek to starve it and deprive it of its most elementary and basic humanitarian needs rob these covenants of all humanitarian substance.

In his report entitled "Supplement to an Agenda for Peace", the Secretary-General of the United Nations states as follows:

> "Sanctions, as is generally recognized, are a blunt instrument. They raise the ethical question of whether suffering inflicted on vulnerable groups in the target country is a legitimate means of exerting pressure on political leaders ... . Sanctions also always have unintended or unwanted effects. They can complicate the work of humanitarian agencies by denying them certain categories of supplies and by obliging them to go through arduous procedures to obtain the necessary exemptions. They can conflict with the development objectives of the Organization and do long-term damage to the productive capacity of the target country." (A/50/60-S/1995/1, para. 70.)

In this connection, I should like to recall the report to the General Assembly at its fifty-first session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (A/51/33). The report considers the sanctions regime in the framework of the Committee's discussion of the question of assistance to third States affected by the application of sanctions. In that context, there was a thorough discussion of the basic elements to be taken into account in connection with sanctions and those required by a true understanding of the provisions of the Charter of the United Nations. The ideas contained in the working paper introduced by the representative of the Russian Federation at the 3rd meeting of the Committee's Working Group, held on 23 February 1996 (A/51/33, para. 42), met with wide acceptance. It was made clear in the discussions that the imposition of sanctions should always be an exceptional measure to be used by the United Nations in special cases in accordance with its Charter. In order to be justified and effective, the sanctions must adhere strictly to the provisions of the Charter of the United Nations. They should be based not on political expediency but on a solid foundation of international law and should be implemented as prescribed by the Charter, in accordance with the principles of justice and international law. They should not serve individual or group interests and should be part of the search for a peaceful settlement. They should reflect the strategic goals of the international community and not merely those of a few of its members, and account should be taken of the physical price of such actions in terms of death and suffering among the civilian population and the destruction of material values.

4. It was the experience forced on the people of Iraq by the imposition of sanctions that prompted the careful assessment made by the Secretary-General in his position paper, which he has reaffirmed on numerous occasions in his reports to the General Assembly on the work of the Organization. In paragraph 821 of the most recent such report (A/51/1) he states that the humanitarian assistance provided to Iraq:

> " ... remained significantly below the requirements resulting from the difficulties faced by children, women, elderly people and an increasing number of indigent families in Iraq. Several United Nations agencies operating in the field reported a continued deterioration of health and nutritional conditions, with an estimated 4 million people, the majority of them children under five, being in danger of severe physical and mental damage as a result of malnutrition."

5. This alarming number of 4 million Iraqi children under the age of five whose lives are in jeopardy was confirmed in the joint appeal launched by the Department of Humanitarian Affairs of the United Nations Secretariat, UNICEF and the World Food Programme on 26 October 1996, which stressed that there was a need to meet the urgent basic needs of the Iraqi people given that rates of malnutrition were rising among children and women in particular and that water contamination and the deteriorating level of health services had contributed to rising mortality rates owing to transmissible and contagious diseases.

In a statement made at Geneva on 4 October 1996, the representative of UNICEF in Baghdad said that 4,500 Iraqi children under five were dying every month from the consequences of malnutrition and treatable diseases. The great

shortage of medical supplies, the breakdown of machinery, the lack of laboratory equipment, the restricted quantities of pharmaceuticals and antiseptics available and the limited nature of other health services because of the sanctions and the absence of the financial resources necessary to meet such needs had made it difficult to cope with childhood diseases and to save the lives of children despite the exceptional efforts being made by Iraqi health agencies and the assistance that some humanitarian organizations and United Nations agencies were trying to provide in order to remedy the deteriorating health and nutritional situation of children, expectant mothers and older people, society's vulnerable groups.

6. The March 1996 World Health Organization report entitled "The health conditions of the population in Iraq since the Gulf crisis" (WHO/EHA/96.1) concludes that:

> "The vast majority of the country's population has been on a semi-starvation diet for years. This tragic situation has tremendous implications on the health status of the population and on their quality of life, not only for the present generation, but for the future generation as well."

The health situation in Iraq is further exacerbated by the declining standard of health services owing to the great shortage of medical equipment and the lack of spare parts and items required for purposes of maintenance.

7. To supplement the testimony of United Nations agencies, Iraq has also been visited by a number of missions and non-governmental humanitarian organizations, which have incorporated their on-the-spot testimony into numerous reports. The report published by the New York-based Center for Economic and Social Rights in May 1996 after a visit to Iraq by some of its members may be cited purely as one example among many. The team notes that:

> "The sanctions have disrupted health care services in all parts of Iraq. Hospitals and health centers cannot adequately respond to the increased levels in morbidity seen in the population. Inadequate health services, combined with the rise in unsanitary living conditions, has [sic] led to sharply increased prevalence of infectious, parasitic and water-borne diseases."

8. The team further notes the difficulties experienced by Iraqi hospitals owing to the war and the ongoing embargo, which has made it impossible for Iraq to obtain the spare parts necessary to maintain medical equipment and provide minimum health services to patients. The team states that:

> "Shortages in electricity have affected hospital services, especially in the summer when demand is highest. Power fluctuations have destroyed sensitive medical equipment.
>
> "...
>
> "Serious shortages of oxygen affect all hospitals. Domestic production falls well short of the need, so hospitals must ration the

available oxygen supply. The team witnessed oxygen masks being alternated between patients ... ."

9. The reality reflected by the testimony of United Nations officials, including that of the Secretary-General of the United Nations himself, and the attestations of humanitarian organizations and research centres calls for the unqualified condemnation of the fact that the maintenance of the sanctions against the people of Iraq for more than six years represents a flagrant violation of the principles of human rights and, in particular, of the Universal Declaration of Human Rights, of paragraph 31 of the Vienna Declaration and Programme of Action adopted by the 1993 World Conference on Human Rights, which affirms that food should not be used as a tool for political pressure, and of articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights, which recognize:

> "... the right of everyone to the enjoyment of the highest attainable standard of physical and mental health[, ... to] the improvement of all aspects of environmental and industrial [hygiene, and to] the creation of conditions which would assure to all medical service and medical attention in the event of sickness."

10. The psychological and social health situation of women in Iraq, given the shortage of food and medicine and the economic and social difficulties caused by the sanctions, has placed heavy burdens on the shoulders of Iraqi women that have affected their lives and their social and human options. The Beijing Declaration adopted by the 1995 Fourth World Conference on Women affirms the world's commitment to uphold and protect the rights of women and, in its paragraph 145 (i), it calls upon Governments and international and regional organizations to "Take measures in accordance with international law with a view to alleviating the negative impact of economic sanctions on women and children". At the same time, the delegation of the Committee on Foreign Affairs of the French National Assembly that visited Iraq between 16 and 23 January 1996 under the leadership of former Minister for Foreign Affairs Mr. Bernard Raymond reports that the strongest evidence of the seriousness of the situation in Iraq was provided in the delegation's meetings with representatives of United Nations agencies operating in Iraq, whose statistics indicated an alarming rise in child mortality, a fall in the standard of living and the increased severity of epidemics and of malnutrition. All of those factors reflected the impact of the embargo and the plight in which a developing country could find itself, and the members of the delegation saw women in bare feet and black garments carrying enormous weights on their heads.

11. In connection with Security Council resolution 986 (1995), the oil-for-food-and-medicine resolution, the Subcommission on Prevention of Discrimination and Protection of Minorities at its forth-eighth session, in its decision 1996/107 on the humanitarian situation in Iraq, adopted without a vote, expresses its concern at:

> "... reliable information according to which children will continue to die after the agreement [between Iraq and the United Nations on the implementation of resolution 986 (1995)], since it does not correspond to

the minimum needs, in particular for food and medicines, of the civilian population".

Resolution 986 (1995) is a temporary and feeble measure, and it should not be characterized as otherwise. Despite the fact that the resolution was adopted by a United Nations forum, Iraq has been making sustained efforts with the Secretariat of the United Nations to secure its actual implementation. Now, more than 10 months after the agreement between the two sides, no medicines, food or medical supplies have reached Iraq because of constant interference by the United States Administration in order to impede and hinder the work of the Iraq Sanctions Committee and delay the delivery of foodstuffs and medical supplies to Iraq. In the meantime, the United Nations has begun to deduct 30 per cent of the proceeds of the sale of Iraqi oil for the United Nations Compensation Fund and in order to pay the expenses of the Special Commission and cover the exorbitant costs represented by expenditures on United Nations officials, observers and others entrusted with supervising the distribution of the foodstuffs and medicines that have yet to arrive. It should be noted that, in her statement at the meeting at which resolution 986 (1995) was adopted, the representative of the United States said that the resolution was "technical, not political" (S/PV.3519). However, all the positions taken by the United States in the Sanctions Committee and all of its practices there have proved to be of a political character in so far as they deal with the Memorandum of Understanding and have had the aim of creating all manner of excuses and pretexts to delay the actual implementation of the Memorandum so as to prevent the people of Iraq from obtaining food and medicine. It is clear that, in adopting this position, the United States of America is proceeding on the basis of political considerations that bear no relation to the humanitarian situation of the people of Iraq. This is manifestly incompatible with the Rome Declaration on World Food Security adopted by the World Food Summit on 13 November 1996, in which the participants state that:

> "Food should not be used as an instrument for political and economic pressure. We reaffirm ... the necessity of refraining from unilateral measures, not in accordance with the international law and the Charter of the United Nations and that endanger food security." [sic]

12. Article 1, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights provides that:

> "All peoples may ... freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, ... . In no case may a people be deprived of its own means of subsistence."

Given this truth - and in the light of the demolition of Iraq's infrastructure in the aggression against it, the destruction of electric power stations, water purification plants, factories and development-related facilities and the maintenance of the sanctions for more than six years - to forbid Iraq to use its natural resources to finance the provision of its humanitarian needs, despite the removal of any justification for the sanctions by Iraq's discharge of all its obligations under the relevant Security Council resolutions, is to prevent the people of Iraq from making use of its own

resources to meet its living requirements. No international assistance or temporary solutions can meet the basic humanitarian needs of more than 22 million people.

13. This situation confronts the Security Council with its responsibilities as they relate to honouring its own corresponding obligations and lifting the sanctions imposed on the Iraqi people forthwith. The sanctions do not accord with the provisions of the Charter of the United Nations but came into being and are maintained on the basis of blatant political expediency without any well-established basis in international law, and they are incompatible with the principles of justice and the provisions and norms of international law. The decision to impose sanctions on Iraq must not become an endless war of starvation or the sanitized murder of an entire people. However the case may be, the sanctions imposed lost all legal justification once their maintenance became a policy of exacting vengeance for parties known to you whose objective is to annihilate an entire people and deprive it of its right to life.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs

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UNITED
NATIONS

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Security Council

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S/1997/250*
1 April 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 24 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 22 March 1997 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq. It concerns the serious repercussions the sanctions have had on the humanitarian situation in Iraq and testimony from United Nations agencies, international humanitarian bodies and non-governmental organizations concerning the death and suffering the sanctions are bringing to the civilian population and, in particular, to children. This is manifestly incompatible with the purposes and principles of the United Nations and the rules and norms of international humanitarian law.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative

* Reissued for technical reasons.

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Annex

Letter dated 22 March 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

1. The serious consequences of the sanctions and the embargo imposed on Iraq have aroused widespread international concern in official, political, legal and civic circles. This concern has found expression at the meetings, seminars and study groups held in various parts of the world that have considered the grievous suffering caused by the sanctions and by the embargo and that have addressed urgent appeals to the United Nations and the international community as a whole for action to lift the sanctions imposed on the Iraqi people and to enable that people, through the use of its own resources and capacities, to secure the provision of its basic civilian needs.

2. I am pleased to transmit to you herewith the text of the verdict reached by the International Tribunal on the War Crimes and Crimes against Humanity Committed by the Security Council against Iraq, meeting at Madrid on 16 and 17 November 1996 (see enclosure). Many international personalities in the legal, judicial and political fields participated in the work of the Tribunal, and it considered evidence and documents and heard the testimony of eyewitnesses who included politicians, lawyers, physicians and researchers from all parts of the world who had visited Iraq and seen at first hand living examples of the human suffering being endured by the people of Iraq owing to the insistence of a well-known influential minority in the Security Council on maintaining the firm grip of sanctions in a manner manifestly incompatible with the purposes and principles of the United Nations and the norms and provisions of international humanitarian law.

3. While all the relevant international covenants, conventions and instruments, and pre-eminently the Charter of the United Nations, "reaffirm faith in fundamental human rights [and] in the dignity ... of the human person", the measures being taken against the people of Iraq and the policies and practices that seek to starve it and deprive it of its most elementary and basic humanitarian needs rob these covenants of all humanitarian substance.

In his report entitled "Supplement to an Agenda for Peace", the Secretary-General of the United Nations states as follows:

> "Sanctions, as is generally recognized, are a blunt instrument. They raise the ethical question of whether suffering inflicted on vulnerable groups in the target country is a legitimate means of exerting pressure on political leaders ... . Sanctions also always have unintended or unwanted effects. They can complicate the work of humanitarian agencies by denying them certain categories of supplies and by obliging them to go through arduous procedures to obtain the necessary exemptions. They can conflict with the development objectives of the Organization and do long-term damage to the productive capacity of the target country." (A/50/60-S/1995/1, para. 70.)

In this connection, I should like to recall the report to the General Assembly at its fifty-first session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (A/51/33). The report considers the sanctions regime in the framework of the Committee's discussion of the question of assistance to third States affected by the application of sanctions. In that context, there was a thorough discussion of the basic elements to be taken into account in connection with sanctions and those required by a true understanding of the provisions of the Charter of the United Nations. The ideas contained in the working paper introduced by the representative of the Russian Federation at the 3rd meeting of the Committee's Working Group, held on 23 February 1996 (A/51/33, para. 42), met with wide acceptance. It was made clear in the discussions that the imposition of sanctions should always be an exceptional measure to be used by the United Nations in special cases in accordance with its Charter. In order to be justified and effective, the sanctions must adhere strictly to the provisions of the Charter of the United Nations. They should be based not on political expediency but on a solid foundation of international law and should be implemented as prescribed by the Charter, in accordance with the principles of justice and international law. They should not serve individual or group interests and should be part of the search for a peaceful settlement. They should reflect the strategic goals of the international community and not merely those of a few of its members, and account should be taken of the physical price of such actions in terms of death and suffering among the civilian population and the destruction of material values.

4. It was the experience forced on the people of Iraq by the imposition of sanctions that prompted the careful assessment made by the Secretary-General in his position paper, which he has reaffirmed on numerous occasions in his reports to the General Assembly on the work of the Organization. In paragraph 821 of the most recent such report (A/51/1) he states that the humanitarian assistance provided to Iraq:

> " ... remained significantly below the requirements resulting from the difficulties faced by children, women, elderly people and an increasing number of indigent families in Iraq. Several United Nations agencies operating in the field reported a continued deterioration of health and nutritional conditions, with an estimated 4 million people, the majority of them children under five, being in danger of severe physical and mental damage as a result of malnutrition."

5. This alarming number of 4 million Iraqi children under the age of five whose lives are in jeopardy was confirmed in the joint appeal launched by the Department of Humanitarian Affairs of the United Nations Secretariat, UNICEF and the World Food Programme on 26 October 1996, which stressed that there was a need to meet the urgent basic needs of the Iraqi people given that rates of malnutrition were rising among children and women in particular and that water contamination and the deteriorating level of health services had contributed to rising mortality rates owing to transmissible and contagious diseases.

In a statement made at Geneva on 4 October 1996, the representative of UNICEF in Baghdad said that 4,500 Iraqi children under five were dying every month from the consequences of malnutrition and treatable diseases. The great

shortage of medical supplies, the breakdown of machinery, the lack of laboratory equipment, the restricted quantities of pharmaceuticals and antiseptics available and the limited nature of other health services because of the sanctions and the absence of the financial resources necessary to meet such needs had made it difficult to cope with childhood diseases and to save the lives of children despite the exceptional efforts being made by Iraqi health agencies and the assistance that some humanitarian organizations and United Nations agencies were trying to provide in order to remedy the deteriorating health and nutritional situation of children, expectant mothers and older people, society's vulnerable groups.

6. The March 1996 World Health Organization report entitled "The health conditions of the population in Iraq since the Gulf crisis" (WHO/EHA/96.1) concludes that:

> "The vast majority of the country's population has been on a semi-starvation diet for years. This tragic situation has tremendous implications on the health status of the population and on their quality of life, not only for the present generation, but for the future generation as well."

The health situation in Iraq is further exacerbated by the declining standard of health services owing to the great shortage of medical equipment and the lack of spare parts and items required for purposes of maintenance.

7. To supplement the testimony of United Nations agencies, Iraq has also been visited by a number of missions and non-governmental humanitarian organizations, which have incorporated their on-the-spot testimony into numerous reports. The report published by the New York-based Center for Economic and Social Rights in May 1996 after a visit to Iraq by some of its members may be cited purely as one example among many. The team notes that:

> "The sanctions have disrupted health care services in all parts of Iraq. Hospitals and health centers cannot adequately respond to the increased levels in morbidity seen in the population. Inadequate health services, combined with the rise in unsanitary living conditions, has [sic] led to sharply increased prevalence of infectious, parasitic and water-borne diseases."

8. The team further notes the difficulties experienced by Iraqi hospitals owing to the war and the ongoing embargo, which has made it impossible for Iraq to obtain the spare parts necessary to maintain medical equipment and provide minimum health services to patients. The team states that:

> "Shortages in electricity have affected hospital services, especially in the summer when demand is highest. Power fluctuations have destroyed sensitive medical equipment.
>
> "...
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> "Serious shortages of oxygen affect all hospitals. Domestic production falls well short of the need, so hospitals must ration the

available oxygen supply. The team witnessed oxygen masks being alternated between patients ... ."

9. The reality reflected by the testimony of United Nations officials, including that of the Secretary-General of the United Nations himself, and the attestations of humanitarian organizations and research centres calls for the unqualified condemnation of the fact that the maintenance of the sanctions against the people of Iraq for more than six years represents a flagrant violation of the principles of human rights and, in particular, of the Universal Declaration of Human Rights, of paragraph 31 of the Vienna Declaration and Programme of Action adopted by the 1993 World Conference on Human Rights, which affirms that food should not be used as a tool for political pressure, and of articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights, which recognize:

> "... the right of everyone to the enjoyment of the highest attainable standard of physical and mental health[, ... to] the improvement of all aspects of environmental and industrial [hygiene, and to] the creation of conditions which would assure to all medical service and medical attention in the event of sickness."

10. The psychological and social health situation of women in Iraq, given the shortage of food and medicine and the economic and social difficulties caused by the sanctions, has placed heavy burdens on the shoulders of Iraqi women that have affected their lives and their social and human options. The Beijing Declaration adopted by the 1995 Fourth World Conference on Women affirms the world's commitment to uphold and protect the rights of women and, in its paragraph 145 (i), it calls upon Governments and international and regional organizations to "Take measures in accordance with international law with a view to alleviating the negative impact of economic sanctions on women and children". At the same time, the delegation of the Committee on Foreign Affairs of the French National Assembly that visited Iraq between 16 and 23 January 1996 under the leadership of former Minister for Foreign Affairs Mr. Bernard Raymond reports that the strongest evidence of the seriousness of the situation in Iraq was provided in the delegation's meetings with representatives of United Nations agencies operating in Iraq, whose statistics indicated an alarming rise in child mortality, a fall in the standard of living and the increased severity of epidemics and of malnutrition. All of those factors reflected the impact of the embargo and the plight in which a developing country could find itself, and the members of the delegation saw women in bare feet and black garments carrying enormous weights on their heads.

11. In connection with Security Council resolution 986 (1995), the oil-for-food-and-medicine resolution, the Subcommission on Prevention of Discrimination and Protection of Minorities at its forth-eighth session, in its decision 1996/107 on the humanitarian situation in Iraq, adopted without a vote, expresses its concern at:

> "... reliable information according to which children will continue to die after the agreement [between Iraq and the United Nations on the implementation of resolution 986 (1995)], since it does not correspond to

the minimum needs, in particular for food and medicines, of the civilian population".

Resolution 986 (1995) is a temporary and feeble measure, and it should not be characterized as otherwise. Despite the fact that the resolution was adopted by a United Nations forum, Iraq has been making sustained efforts with the Secretariat of the United Nations to secure its actual implementation. Now, more than 10 months after the agreement between the two sides, no medicines, food or medical supplies have reached Iraq because of constant interference by the United States Administration in order to impede and hinder the work of the Iraq Sanctions Committee and delay the delivery of foodstuffs and medical supplies to Iraq. In the meantime, the United Nations has begun to deduct 30 per cent of the proceeds of the sale of Iraqi oil for the United Nations Compensation Fund and in order to pay the expenses of the Special Commission and cover the exorbitant costs represented by expenditures on United Nations officials, observers and others entrusted with supervising the distribution of the foodstuffs and medicines that have yet to arrive. It should be noted that, in her statement at the meeting at which resolution 986 (1995) was adopted, the representative of the United States said that the resolution was "technical, not political" (S/PV.3519). However, all the positions taken by the United States in the Sanctions Committee and all of its practices there have proved to be of a political character in so far as they deal with the Memorandum of Understanding and have had the aim of creating all manner of excuses and pretexts to delay the actual implementation of the Memorandum so as to prevent the people of Iraq from obtaining food and medicine. It is clear that, in adopting this position, the United States of America is proceeding on the basis of political considerations that bear no relation to the humanitarian situation of the people of Iraq. This is manifestly incompatible with the Rome Declaration on World Food Security adopted by the World Food Summit on 13 November 1996, in which the participants state that:

> "Food should not be used as an instrument for political and economic pressure. We reaffirm ... the necessity of refraining from unilateral measures, not in accordance with the international law and the Charter of the United Nations and that endanger food security." [sic]

12. Article 1, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights provides that:

> "All peoples may ... freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, ... . In no case may a people be deprived of its own means of subsistence."

Given this truth - and in the light of the demolition of Iraq's infrastructure in the aggression against it, the destruction of electric power stations, water purification plants, factories and development-related facilities and the maintenance of the sanctions for more than six years - to forbid Iraq to use its natural resources to finance the provision of its humanitarian needs, despite the removal of any justification for the sanctions by Iraq's discharge of all its obligations under the relevant Security Council resolutions, is to prevent the people of Iraq from making use of its own

resources to meet its living requirements. No international assistance or temporary solutions can meet the basic humanitarian needs of more than 22 million people.

13. This situation confronts the Security Council with its responsibilities as they relate to honouring its own corresponding obligations and lifting the sanctions imposed on the Iraqi people forthwith. The sanctions do not accord with the provisions of the Charter of the United Nations but came into being and are maintained on the basis of blatant political expediency without any well-established basis in international law, and they are incompatible with the principles of justice and the provisions and norms of international law. The decision to impose sanctions on Iraq must not become an endless war of starvation or the sanitized murder of an entire people. However the case may be, the sanctions imposed lost all legal justification once their maintenance became a policy of exacting vengeance for parties known to you whose objective is to annihilate an entire people and deprive it of its right to life.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs

Enclosure

## VERDICT OF THE INTERNATIONAL COURT Seif Zuhair and Bushra Ibrahim Ali FOR CRIMES AGAINST HUMANITY COMMITTED BY THE UN SECURITY COUNCIL ON IRAQ

The members of the International Court on Crimes Against Humanity Committed by the UN Security Council on Iraq, having today examined the accusation formulated by Ramsey Clark (former Attorney General of the United States of America and President of the *International Action Center*) against the United Nations (UN) Security Council and its permanent members, have met to deliberate on the evidence brought forward in the public hearing, namely:

The testimonies and documents presented by Peter L. Pellet (UN FAO Team Manager, University of Massachusetts, USA), Khaldun Lutfi (President of the *Iraqi Red Crescent*), Siegwart-Horst Günther (President of the *International Yellow Cross*, Austria), Margret Fakhouri (Pediatrician, Germany/Jordan) regarding the state of public health amongst the Iraqi people and, specifically, the incidence of health problems amongst children, as well as the effects of non-conventional weapons used during the war;

The testimonies and documents presented by Sarah Zaidi (Member of UN FAO team, Science Director of the *Centre for Economic and Social Rights*, USA/Pakistan), Tha'era Mohamed (Doctor, Vice-President of the *General Federation of Iraqi Women*), María Durán (Lawyer, *Themis Association of Women Lawyers*, Spain), on socio-economic indicators of the embargo and its effects for women;

The testimonies and documents presented by Joaquín Córdoba Zoilo (teacher of Ancient History at A.U.M., Spain) on the consequences of the sanctions on the historical and cultural Patrimony of Humankind in Iraq;

The testimonies and documents presented by Saad Hamid (Jurist, *Centre for Economic and Social Rights*, Jordan), Patrick Brunot (Lawyer, Paris Appeal Court, Professor in International Law, *Paris High International Studies School*, France), Terrance Duffy (Lecturer in International Law, Director of the *International Direct Democracy Research Association*, Northern Ireland), Akram Witri (Lecturer in International Law, University of Baghdad) on the regime of sanctions against Iraq and International Law.

The accused failed to appear. The UN Security Council sent its apologies via the UN Office in Madrid, and alleged its reiterated concern for the civil society affected by the embargo and the humanitarian situation in Iraq, which was reflected in its 1991 Resolutions nos. 776 and 712. Resolution 712 drew attention to the deteriorating levels of nutrition and health amongst the Iraqi population. The UN also stated that the Directors of UNICEF and the World Food Programme, and the Under-Secretary for Humanitarian Affairs have launched an appeal to collect urgent financial contributions to the humanitarian aid

programme for Iraq. These statements were submitted in a fax from the UN Office in Madrid, dated 31 October 1996.

## POINTS OF EVIDENCE

**ONE.**- From 6 August 1990 to date, the UN Security Council, under the hegemony of the United States, has adopted a form of conduct oriented towards imposing, maintaining and applying extreme economic sanctions and a strict embargo on the people of Iraq in order to harm the entire population, killing its weaker members (children of all ages, the elderly, chronically ill and pregnant and nursing women), and depriving them of medicine, drinking water, food and other essential elements.

**TWO.**- The accused have obstructed Justice and corrupted the operation of the UN by all kinds of coercion, systematically using threats, manipulation and disinformation to silence protests and prevent the sanctions against Iraq from being lifted, despite the reports issued over the last five years by the main UN agencies and various humanitarian and pacifist organisations, which have repeatedly denounced the high death rate and suffering of the Iraqi people.

**THREE.**- The accused have perpetrated criminal attacks against fertiliser and insecticide chemical factories, warehouses of agricultural and food products, oil storage tanks, etc., exposing the Iraqi population to chemical contamination and radiation, and causing death, disease and permanent injuries.

**FOUR.**- The accused have hidden the existence and use of a wide range of illegal weapons, including rockets and missiles containing impoverished uranium, which have contaminated the soil and groundwaters with seriously hazardous, sometimes lethal radiation that will affect the population for thousands of years.

**FIVE.**- The accused have coercively enforced illegal levies and payments and have institutionalised disproportionate economic reparations that ignore the unjust damages inflicted on Iraq, which mean that more than half the value of all the oil sales made from Iraq must be used to pay the sanctions, giving rise to hunger, malnutrition and lack of elementary resources to care for the needs of the most vulnerable sectors of the population.

**SIX.**- The accused, under a sectarian policy of hiding and disguising the facts, have manipulated, controlled and given misleading information on the failure to meet the UN's own requirements and on the suffering of the Iraqi people, in order to propitiate the support or the ignorance of international public opinion regarding what is really being done.

**SEVEN.**- All the above has had an especially brutal effect on the most vulnerable, most unprotected sectors of the Iraqi people: its children, women and the elderly. Several reports from international UN agencies and humanitarian and pacifist organisations have drawn attention to the deaths of over

a million and a half people, of whom 750,000 were children below the age of five. These figures do not take into account the high rate of death at childbirth and the thousands of children born with congenital malformations. The situation of women has been set back drastically by brutal attacks on women's dignity and their physical and moral integrity.

**EIGHT.**- The accused have, by default, passiveness or complicity, propitiated the destruction and plundering of much of the historical, artistic, monumental and documentary wealth of the Iraqi nation, which belongs to Humankind as a whole.

## LEGAL FUNDAMENTALS

**ONE.**- This Court considers itself to be supported by the legal and ethical legitimacy accorded to it by the reprobation of broad sectors of worldwide public opinion and the brutality of the UN Security Council against the Iraqi people. The Court deems that no power is authorised to act without Law or against the Law, taking advantage of the terrible, inexistent faculty to commit crimes with impunity. The UN Security Council has perpetrated atrocious crimes against the very principles of peace, freedom and justice that it is called upon to defend, violating fundamental UN declarations and resolutions and the moral and legal Code that constitutes the ethical minimum for international co-existence.

**TWO.**- The facts presented constitute evidence of the CRIME OF GENOCIDE, described and typified under the UN Convention of 9 December 1948. These facts have entailed, and continue to entail, the destruction of the Iraqi people, through the following acts:

- **First:** killing members of that population.

- **Second:** seriously injuring the physical and mental integrity of the Iraqi people.

- **Third:** Intentionally and conciously subjecting the Iraqi people to conditions of existence that lead to its destruction.

The Court considers that this crime of genocide may constitute a specific kind of INSTITUTIONAL TERRORISM perpetrated by the United Nations Security Council.

**THREE.**- The member States of the UN Security Council that have given support to the acts described are responsible, as AUTHORS, for the material execution, induction or cooperation needed in the above-mentioned crimes, and the crimes against humanity therein incorporated.

Those who, by ABETMENT or COMPLICITY, have decisively collaborated in committing or abetting such crimes, are also responsible.

**FOUR.**- The facts declared proven violate, amongst others, the following rules of INTERNATIONAL LAW approved by the

United Nations itself:

A.- The UNIVERSAL DECLARATION OF HUMAN RIGHTS, 10 December 1948;

B.- The INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 19 December 1966;

C.- The CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, 18 December 1979;

D.- The CHILD RIGHTS CONVENTION, 20 November 1989.

E.- The first additional Protocol to the 1977 GENEVA CONVENTION.

Given the above, this International Court CONDEMNS the accused, the United Nations Security Council and, especially, the Government of the United States of America, as responsible for the crimes described herein.

It also DEMANDS:

1.- Inmediate lifting of the sanctions imposed on the Iraqi people.

2.- Immediate withdrawal of all military forces and armaments accumulated since the war to exterminate Iraq.

3.- Compensation for the Iraqi people for all the damage caused.

In Madrid, Spain, November 17th. 1996

MEMBERS OF THE COURT

* Algeria:
  Ahmed Ben Bella (First President of Algeria, Vice-President of Bertrand Russell Court)
  Louisa Hannoun: (General Secretary of PTA)
* Austria:
  Hans Koechler (President of *International Progress Organization, IPO*)
* Egypt:
  Saber Mohamed Mahmoud Ammar (member of Permanent Boureau of *Arab Lawyer Union*)
* Italia:
  Domenico Gallo (former Senator, Judge in Rome Court, AMJDDH)
* Jordan:
  Tujan Faisal (MP)
  Husain Mujali (President of the Lawyers' College)
* Morocco:
  Mohamed Al-Basry (member of USPP)
* Palestine:
  Haider Abdel Shafi (Doctor, President of Palestinian Red Crescent, Palestinian Legislative Board)
  Raji Sourani (Lawyer, Director of *Palestinian Center for*

*Human Rights*)

*Spanish State:

Najib Abu-Warda (Teacher of Foreign Relations in Madrid Complutense University, member of Jerusalem Spanish-Palestinian Association)

Juan María Bandrés (Lawyer, President of *Spanish Center for Refugees Help*, CEAR)

Aurora Bilbao (Doctor, Professor in Basque Country University, President of IPPNW)

Marcelino Camacho (Sindicalist, former President of the Trade Union CCOO)

Pablo Castellano MP, Spokesman of United Left in the Justice Commission of Spanish Congress)

Francisco Doñate (Medicine Professor in Basque Country University)

Francisco Frutos (MP United Left and Federal Coordinator of the Communist Party, PCE)

Juan Francisco Martín Seco (Economist)

Pedro Martínez Montávez (Professor, M.A.U.)

Joaquín Navarro (Judge)

Carmen Pujol (Jurist, President of *Themis Association of Women Lawyers*)

Nicolás Redondo (Sindicalist, former General Secretary of the Trade Union UGT)

Francisco Rodríguez (MP Galician Nationalist Bloc (BNG) in the Spanish Congress)

Juan José Romeo Laguna (Judge at Sevilla County High Court and member of *Judges for Democracy*)

Javier Sádaba (Professor, M.A.U.)

Eloy Terrón (former President of *UNESCO Friends Club*, CAUM)

Endika Zulueta (Lawyer, *Lawyers' Free Union*)

* Turkey:

Türkkaya Ataöv (Professor of Foreign Relations in Ankara University).

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UNITED
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Security Council

Distr.
GENERAL

S/1997/251
25 March 1997

ORIGINAL: ENGLISH

# LETTER DATED 24 MARCH 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE NETHERLANDS TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to draw your attention to the conclusions of the Council of the European Union of 24 March 1997 (see annex) regarding the present situation in Albania.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) J. BERTELING
Chargé d'affaires a.i.
Deputy Permanent Representative
of the Netherlands to
the United Nations

97-08024 (E) 250397

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Annex

Albania: Conclusions of the Council of the European Union at its meeting in Brussels on 24 March 1997

1. The Council had an in-depth exchange of views on the situation in Albania on the basis of the report of the European Union mission that visited Albania from 17 to 19 March. It expressed appreciation for the mission's work and discussed further steps to be taken.

2. The Council reaffirmed the determination of the European Union to play the major role which was its responsibility in helping Albania to return to political stability and restore internal security, as well as in providing humanitarian assistance and in working with the international financial institutions on support for wider economic reforms.

3. Recognizing that Albania is a member of the Organization for Security and Cooperation in Europe (OSCE), it noted also that many OSCE countries not members of the European Union have important roles to play and that OSCE has special experience and authority in a number of fields, notably in promoting a democratic process as well as supervising and monitoring elections. The Council accordingly expressed its support for the efforts undertaken by the current Chairman of OSCE, in particular concerning the mission entrusted to former Austrian Chancellor Vranitzky, which deserved to be supported and further strengthened. The Council decided that the European Union would cooperate within the coordinating framework of OSCE. It looked to the Council of Europe and other international organizations to play their part also within this framework in their respective areas of competence.

4. In this context the Council addressed the question of aid to Albania in the areas of humanitarian, economic and financial assistance, security and the preparation of future elections.

5. The Council decided to take the initiative of setting up an Advisory Mission to Albania within the framework of paragraph 3, to advise on humanitarian, economic, political and security-related developments. It would also assess the need for and feasibility of further assistance, taking account of the security situation and bearing in mind the particular problem of illegal migrants.

6. In order to prepare the ground for the Advisory Mission, the Council decided to dispatch an advance team without delay. This advance team, to which, in the spirit of paragraph 3, representatives of other international organizations would be invited, would make recommendations on the composition of the Advisory Mission and facilitate the arrival of humanitarian assistance.

7. The Council noted the need for humanitarian aid, and welcomed the intention of the European Commission's Humanitarian Office to respond generously to the immediate needs and to supply food and medicines. It also noted that further humanitarian assistance would be available by pre-positioning foodstocks as soon as security conditions allowed. It recalled the possibility of financing, under

the Humanitarian Aid Regulation, efforts to ensure that aid would be accessible to those for whom it was intended.

8. The Council noted the Commission's intention to focus future PHARE assistance on areas directly related to the relaunching of economic activity and the reform of public administration and of the media; and that financial support would have to be subject to close coordination with the international financial institutions.

9. The Council stressed that economic and financial support would also be subject to the re-establishment of the necessary secure environment.

10. The Council considered it important to assist Albania in the re-establishment of a viable police force and decided that the European Union would support this process through the appropriate measures, such as training. The Council also underlined the importance of assisting this process through appropriate monitoring and considered that the European Community Monitoring Mission could make a contribution to this effort.

11. Given present conditions of security in Albania, the Council welcomed the ongoing efforts of certain member States to assemble, at the request of the Government of Albania, a multinational protection force under the appropriate international aegis to help create a secure environment for the safe provision of international assistance.

12. The Council asked the appropriate Council instances to prepare a joint action for the Advisory Mission referred to in paragraph 5.

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# Security Council

Distr.
GENERAL

S/1997/252
26 March 1997

ORIGINAL: ENGLISH

LETTER DATED 25 MARCH 1997 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ARMENIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward to you herewith enclosed the text of a statement issued today, 25 March 1997, by the Ministry of Foreign Affairs of the Republic of Armenia.

I should be grateful if you would circulate the statement as a document of the Security Council.

(Signed) Movses ABELIAN
Chargé d'affaires a.i.

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Annex

Statement issued on 25 March 1997 by the Ministry of Foreign Affairs of the Republic of Armenia

In response to the appeal by the Co-Chairmen of the Minsk Group and as a sign of Armenia's constructive position, Armenia has unilaterally decided to release all the Azeri prisoners in Armenia, as documented by the International Committee of the Red Cross. With this act Armenia once again reiterates its commitment to the full and unconditional release of all prisoners, in adherence to the "all-for-all" principle.

To organize the release and the transfer of the prisoners, the Ministry of the Interior and National Security has already contacted and begun to cooperate with the representatives of the Red Cross.

In making this decision, Armenia has been guided by the awareness of the need to demonstrate goodwill on the eve of the resumption of the negotiations, and by the commitment to a solution based on mutual compromise.

Armenia calls on Nagorno Karabagh and Azerbaijan to respond to the initiative of the Minsk Group Co-Chairmen and release all the prisoners of war that they hold.

Armenia is convinced that the expression of such resoluteness will create a favourable atmosphere for the negotiations soon to be held in Moscow.

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Security Council

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GENERAL

S/1997/253
26 March 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 25 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 20 March 1997 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the violations committed by the U-2 aircraft.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

97-08114 (E) 260397 260397

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Annex

Letter dated 20 March 1997 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

We refer to our previous letters addressed to the President of the Security Council concerning the violation of Iraq's airspace by the United States U-2 spy plane on the pretext of conducting aerial surveys for the Special Commission.

I should like to inform you that this aircraft, which takes off from Saudi territory, has continued its invasions and penetrations of Iraq's airspace in violation of the country's sovereignty and security. As of the end of February 1997 it had made 340 overflights, for a total flight time of 1,513 hours and 47 minutes, since it began such operations in August 1991.

The facts that have come to light since this aircraft was first brought into use, which are set forth in our aforementioned letters, and the ill repute the aircraft has acquired from its past espionage activities in various parts of the world, make it incumbent upon the United Nations to re-examine the question of the continued coercive use of the aircraft by the United States of America to violate Iraq's airspace in a manner totally incompatible with the purposes and principles of the Charter of the United Nations as they relate to respect for the sovereignty of all Member States.

We condemn these unjustified violations of our airspace and take this opportunity to reaffirm the request we have consistently made in the 118 letters on this matter that we have addressed to the Secretary-General of the United Nations that Iraqi aircraft be used instead of foreign aircraft in the work of the Special Commission in order to exclude any possibility of such aircraft being used for purposes prejudicial to Iraq's sovereignty and security.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

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UNITED
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Security Council

Distr.
GENERAL

S/1997/254
26 March 1997

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its previous resolutions concerning the situation in Liberia, in particular resolution 1083 (1996) of 27 November 1996,

Welcoming the report of the Secretary-General dated 19 March 1997 (S/1997/237), especially his conclusion that the period under review has witnessed an improvement in the security situation, revitalization of civil society, and reactivation of political parties to prepare for elections,

Noting the agreement between the Council of State and the Economic Community of West African States (ECOWAS) on a basic framework for the holding of elections in Liberia scheduled for 30 May 1997,

Emphasizing that the holding of free and fair elections as scheduled is an essential phase of the peace process in Liberia,

Reiterating that the people of Liberia and their leaders bear the ultimate responsibility for achieving peace and national reconciliation,

Noting with appreciation the active efforts of ECOWAS to restore peace, security and stability to Liberia, and commending the States which have contributed to the ECOWAS Monitoring Group (ECOMOG),

Expressing its appreciation to those States which have supported the United Nations Military Observer Mission in Liberia (UNOMIL) and those which have contributed to the Trust Fund for Liberia,

Emphasizing that the continued presence of UNOMIL is predicated on the presence of ECOMOG and its commitment to ensure the safety of UNOMIL,

1. Decides to extend the mandate of UNOMIL until 30 June 1997;

2. Welcomes the Secretary-General's recommendations contained in paragraphs 29 and 30 of his report dated 19 March 1997 concerning the role of UNOMIL in the electoral process;

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3. Expresses its concern at the delay in the installation of the new independent Elections Commission and the reconstituted Supreme Court, and the implications of this delay for the electoral process, and urges that they be installed immediately;

4. Urges the international community to provide financial, logistical, and other assistance to the electoral process in Liberia, including through the Trust Fund for Liberia, and to provide additional support for ECOMOG to enable it to sustain a secure environment for the elections;

5. Stresses the importance of close contacts and enhanced coordination between UNOMIL and ECOMOG at all levels and, in particular, the importance of ECOMOG to continue to provide effective security for international personnel during the election process;

6. Urges all Liberian parties to cooperate with the peace process, including by respecting human rights and facilitating humanitarian activities and disarmament;

7. Stresses the importance of respect for human rights in Liberia, not least in the period leading up to elections, and emphasizes the human rights aspect of the mandate of UNOMIL;

8. Also stresses the importance of assisting with the prompt repatriation of refugees who are willing to return to Liberia in time to participate in the registration and voting process;

9. Further stresses the obligation of all States to comply strictly with the embargo on the deliveries of weapons and military equipment to Liberia imposed by resolution 788 (1992) of 19 November 1992, to take all actions necessary to ensure strict implementation of the embargo, and to bring all instances of violations of the embargo before the Committee established pursuant to resolution 985 (1995) of 13 April 1995;

10. Requests the Secretary-General to keep the Council informed on a regular basis of the situation in Liberia, and, in particular, significant developments in the electoral process, and to submit a report by 20 June 1997;

11. Decides to remain seized of the matter.

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Security Council

Distr.
GENERAL

S/1997/255
26 March 1997

ORIGINAL: ENGLISH

# REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION

(24 September 1996-26 March 1997)

## I. INTRODUCTION

1. The present report gives an account of developments and activities in respect of the mandate entrusted to the United Nations Iraq-Kuwait Observation Mission (UNIKOM), in accordance with Security Council resolutions 687 (1991) of 8 April and 689 (1991) of 14 June 1991 and 806 (1993) of 5 February 1993. It covers the period from 24 September 1996 to 26 March 1997.

## II. DEVELOPMENTS IN THE DEMILITARIZED ZONE

2. During the period under review, the situation in the demilitarized zone was generally calm. However, overflights by unidentified aircraft increased noticeably.

3. There were fewer complaints by the parties as compared with the previous reporting period: 13 from Kuwait and 10 from Iraq. Complaints by Iraq were about violations of its territorial waters in the Khawr Abd Allah and violations of its airspace over Safwan and Umm Qasr. Complaints by Kuwait were about incursions into its territorial waters in the Khawr Abd Allah, border crossings and shooting violations in the demilitarized zone. The majority of the complaints could not be confirmed. In many cases, there was a considerable time lag between the alleged incident and the time it was reported to UNIKOM.

4. There was an increase in the number of violations in the demilitarized zone. UNIKOM recorded a total of 161 violations, comprising 14 ground incursions and 147 air violations. Ten of the 14 ground incursions were related to the presence of military and armed personnel in the demilitarized zone, while 4 were border crossings into Kuwait by personnel on foot. The air violations, insofar as they could be identified, involved overflights by aircraft of types used by the coalition forces. In addition, there were 59 shooting reports, almost all on the Iraqi side of the demilitarized zone. These were shots heard, often at night, by UNIKOM personnel, who were, however, unable to determine who had fired and with what effect.



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5. From the last days of February into the first part of March UNIKOM observed an increase in activities in the Khawr Abd Allah, including the presence of some armed Iraqi boats within the waterway. It also received complaints from Iraq and Kuwait on alleged violations of their territorial waters. UNIKOM stepped up its monitoring both from the air and on Al Faw peninsula and the situation has since quietened.

6. Activities in the Iraqi port of Umm Qasr increased significantly. Thirty cargo ships docked at the port during the period under review. Repairs on several railway lines into the port were completed and rail operations in the port resumed. Maintenance work on the railways and roads to and from the port continued.

7. Oil drilling and survey activities continued on the Kuwait side of the demilitarized zone. Two new wells became operational and drilling began at two additional sites. Survey activity was also carried out throughout the northern sector. On the Iraqi side, work was conducted on several old wells around patrol and observation post N-7.

8. Kuwait continued to focus on security concerns both over land and in the waterway. The building of a new berm and trench along the boundary of the demilitarized zone was completed during the reporting period. Work continued on an electrified security fence in the zone.

9. As in the past, UNIKOM provided security and logistic support for four meetings of the Technical Subcommittee on Military and Civilian Missing Prisoners of War and Mortal Remains of the International Committee of the Red Cross (ICRC). These meetings were held on 6 November and 15 December 1996 and 28 and 29 January and 19 March 1997. They were conducted in the demilitarized zone alternatively at UNIKOM headquarters in Umm Qasr (Iraq) and its support base at Camp Khor (Kuwait).

10. In support of its operations, in particular for clearing track routes, UNIKOM has continually carried out disposal of unexploded mines and bomblets in the demilitarized zone. During the period, it detonated 329 unexploded objects, including 209 aerial bomblets, 15 mortar bombs and 18 artillery shells. Unexploded mines and bomblets inside the zone and in adjacent areas still cause civilian casualties.

11. UNIKOM continued to maintain regular and close liaison with the authorities of both Iraq and Kuwait at various levels, including through its liaison offices in Baghdad and Kuwait City. Both parties cooperated with the Mission in the conduct of its operations.

## III. ORGANIZATIONAL MATTERS

12. As of February 1997, the overall strength of UNIKOM was 1,329, as follows:

(a) One hundred ninety-seven military observers from Argentina (3), Austria (6), Bangladesh (6), Canada (4), China (11), Denmark (6), Fiji (5), Finland (5), France (11), Ghana (6), Greece (5), Hungary (6), India (5),

Indonesia (6), Ireland (5), Italy (25), Kenya (7), Malaysia (5), Nigeria (5), Pakistan (5), Poland (6), Romania (5), the Russian Federation (11), Senegal (5), Singapore (7), Sweden (5), Thailand (5), Turkey (5), the United Kingdom of Great Britain and Northern Ireland (12), Uruguay (5), the United States of America (11) and Venezuela (3);

(b) An infantry battalion of 758 from Bangladesh;

(c) An engineering unit of 50 from Argentina;

(d) A logistics unit of 34 from Austria;

(e) A helicopter unit of 35 from Bangladesh;

(f) A medical unit of 14 from Germany;

(g) Two hundred forty-one civilian staff, of whom 71 were recruited internationally.

Major-General Gian Giuseppe Santillo (Italy) continued as Force Commander.

## IV. FINANCIAL ASPECTS

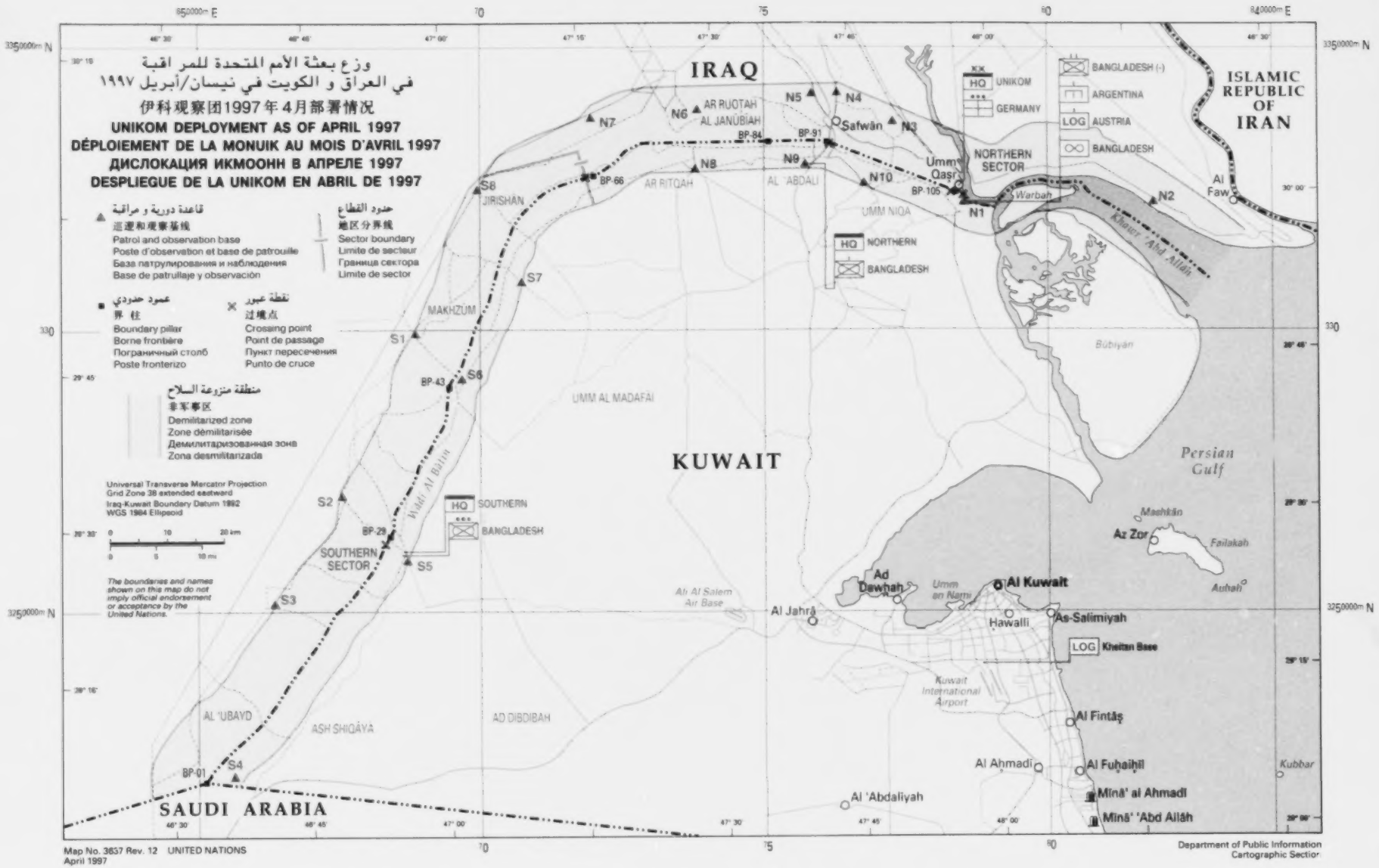
13. The General Assembly, in its resolution 50/234 of 7 June 1996, appropriated $52,141,900 gross for the maintenance of UNIKOM for the period from 1 July 1996 to 30 June 1997, subject to review by the Security Council with regard to the question of termination or continuation of the Mission. Two thirds of the cost of the Mission, equivalent to some $33.4 million, is to be funded through voluntary contributions from the Government of Kuwait. Assessments on Member States have been made for the period ending 30 April 1997 and the Government of Kuwait has paid its voluntary contributions for the period ending 30 April 1997.

14. As at 15 March 1997, unpaid assessed contributions to the Special Account for UNIKOM since the inception of the Mission until 30 April 1997 amounted to $12,685,897, which represents some 6 per cent of the assessment for the Mission. The unpaid assessed contributions for all peacekeeping operations amounted to $1.8 billion.

## V. OBSERVATIONS

15. UNIKOM continues to monitor the demilitarized zone and the Khawr Abd Allah, and, through its vigilance, has contributed to stability and calm along the Iraq-Kuwait border. In carrying out its mandated tasks, UNIKOM had the cooperation of the Governments of Iraq and Kuwait. I recommend that the Mission be maintained.

16. In conclusion I wish to pay tribute to the Force Commander and to the men and women under his command for the manner in which they have carried out their task. Their discipline and bearing have been of a high order, reflecting credit on themselves, their countries and the United Nations.




Map No. 3637 Rev. 12 UNITED NATIONS
April 1997

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Cartographic Section

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S/1997/256
26 March 1997

ORIGINAL: ENGLISH

LETTER DATED 25 MARCH 1997 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 23 March 1997, which I have received from the Principal Deputy High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, Mr. Michael Steiner.

I should be grateful if you would bring it to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

97-08126 (E) 260397

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Annex

Letter dated 23 March 1997 from the Principal Deputy High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Secretary-General

In its presidential statement of 11 March 1997 (S/PRST/1997/12) concerning the incident in Mostar on 10 February 1997, the Security Council of the United Nations demanded that the responsible authorities, notably in west Mostar, immediately implement the conclusions in my letter to Presidents Izetbegovic and Zubak of 24 February 1997 (S/1997/183, annex), drawn from the report of the United Nations International Police Task Force (IPTF) of the same date. In particular, the Security Council demanded that the authorities suspend all relevant police officers and arrest and prosecute them without delay. This concerned specifically the police officers Hrkac, Planinic and Peric who had been clearly identified in the IPTF report as firing at the backs of retreating visitors to the cemetery on Kneza Mihajla Humskog/former Liska Street. They were to be arrested, brought to trial before an independent and impartial court, and prosecuted to the full extent of the law. The Security Council decided to remain actively seized of the matter. Please be informed of the following latest developments.

1. On 20 March, five policemen were tried in summary proceedings at the Lower Court in west Mostar on charges of maltreatment by a public official related to the events of 10 February. Among these were Messrs. Hrkac, Planinic and Peric. The indictments referred only to article 54 of the Criminal Code of Bosnia and Herzegovina, which stipulates, "an official who in the discharge of duty maltreats another person, insults him or in general treats him in a manner offensive to human dignity shall be punished by imprisonment for a term of at least three months but not exceeding three years". Zeljko Planinic was sentenced to one year, Ivan Hrkac and Bozo Peric to six months in prison, but all three were given suspended sentences and left the court free men.

Under the Code of Criminal Procedure of Bosnia and Herzegovina, crimes in which the penalty is a fine or a sentence of less than three years may be tried in summary proceedings in which no preliminary judicial investigation is required. By indicting Planinic, Hrkac and Peric for this minor crime, the Public Prosecutor avoided judicial investigation of this case. Thus, the Prosecutor ensured that the proceedings did not address the fact that the events of 10 February, including the shooting by west Mostar policemen, resulted in the killing of one person and wounding of at last 20 persons, as established by the IPTF report.

In addition, observers from my office and IPTF monitored the 20 March trial itself. Their observations lead to the conclusion that the trial was seriously flawed in a number of ways, in particular the following:

(a) Criminal investigators as well as participants in the intended visit to the cemetery and victims of the violence which occurred were not questioned.

The only witnesses who testified before the court were the defendants themselves and their colleagues from the west Mostar police.

(b) The material evidence which was presented to the Court by the Public Prosecutor in the trial did not include the findings of the IPTF report, in particular the photographs of two of the defendants, Zi¡jko Planinic and Ivan Hrkac, firing at the backs of retreating marchers, even though IPTF had submitted its report to the judicial authorities of the Herzegovina Neretva Canton and the west Mostar police immediately after its publication.

(c) The Prosecutor did not use any of this readily available evidence to impeach the obvious perjury by all three officers that they were not armed.

These facts show that the legal proceedings had nothing in common with justice. They were not independent, impartial or properly announced to the public, in violation of article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and thereby article II.2 of the Constitution of Bosnia and Herzegovina. Prosecution of the three police officers to the full extent of the law did not take place, and justice has not been done.

2. Therefore, in a letter to the President and to the Vice-President of the Federation of Bosnia and Herzegovina of today, I have requested that the Federation Government ensure without delay correct legal proceedings based on a new indictment, founded in the facts, and that a proper criminal investigation of the suspects is undertaken.

At the same time, I have requested that the Lower Court in east Mostar not open parallel proceedings against the suspects or proceed with trials in absentia, in violation of international fair trail standards.

Finally, I raised the expectation that IPTF from now on will have complete access to any site, person, activity, proceeding or other item or event throughout the criminal investigation and legal proceedings, in accordance with Annex 11 of the Peace Agreement.

I should be most grateful to you if you could submit this letter to the members of the Security Council.

(Signed) Michael STEINER
Principal Deputy High Representative

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Security Council

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S/1997/257
27 March 1997

ORIGINAL: ENGLISH

LETTER DATED 26 MARCH 1997 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 24 March 1997, which I have received from the Secretary-General of the North Atlantic Treaty Organization.

I would appreciate your bringing it to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN



97-08495 (E) 270397

Annex

Letter dated 24 March 1997 from the Secretary-General of the North Atlantic Treaty Organization (NATO) addressed to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the third monthly report on Stabilization Force (SFOR) operations. I would appreciate your making this report available to the Security Council.

The report describes recent violence associated with the attempted return of refugees and displaced persons in the zone of separation, particularly in Gajevi. This is a disturbing development that must not be allowed to continue. SFOR will play its role in providing general area security, but this is not enough. The international community must put political pressure on the parties to ensure that they fulfil their obligations under the Peace Agreement with respect to returns. In addition, there is a need for a comprehensive strategy for returns that is coordinated with economic reconstruction and informed by the security advice of SFOR and the International Police Task Force (IPTF). The United Nations High Commissioner for Refugees will play an important role in this regard.

Finally, the local police must be retrained, restructured and made to carry out their responsibilities for local law and order. A strengthened IPTF is an essential first step in this regard, and I fully back your request to the Security Council for an increase in the authorized strength of the force. A second key element is the effective implementation of the extensive training and resources programme established by the conference that you chaired in Dublin last September. I would hope that a way could be found to focus the attention of the international community on the urgent need to provide the necessary resources.

(Signed) Javier SOLANA

## Appendix

## Monthly report to the United Nations Security Council on SFOR operations

### SFOR operations

1. Approximately 31,000 SFOR troops are currently deployed in Bosnia and Herzegovina, with contributions from all the NATO nations and, with Slovenia joining SFOR on 24 February 1997, from 19 non-NATO countries. Concepts are now in place for the use and exercising of operational reserves from within the theatre and strategic reserves from outside the theatre in order to give the force enhanced flexibility and to reinforce its deterrent role.

2. Over the past month, SFOR has continued to conduct area reconnaissance and surveillance through ground and air patrols across the region, and to make random inspections of cantonment sites. Increased patrolling has taken place in Mostar in the wake of last month's violence there, and SFOR, in cooperation with the International Police Task Force (IPTF), has removed a number of illegal checkpoints in the city. Patrolling was also increased in a number of villages in and around the zone of separation as a result of recent violations by the parties of the procedure established for the return of refugees.

### Cooperation and compliance by the parties

3. The parties are assessed as continuing to be in general compliance with the military provisions of the Peace Agreement. However, as noted above, there has again been violence associated with the attempted return of refugees in the zone of separation, and all parties appear ready to use coercion to shift the ethnic balance in "their" areas, or to deter minority return.

4. Since 21 February, SFOR troops conducted over 500 compliance inspections and monitored over 150 authorized movement and training activities and over 70 demining activities by the parties.

5. The first phase of the temporary suspension of the SFOR confiscation policy for previously undeclared arms (para. 4 of last month's report refers (see S/1997/193)) came to an end on 15 February. The next step, which lasted until 15 March, was the approval process for the final storage sites for the weapons and ammunition. The last step, which required extension until 15 April, is the organized movement and monitoring of the weapons and ammunition. The total number surrendered is still being verified by SFOR, but the parties have declared a wide range of weapons, including tanks, grenades, ammunition, small arms and mines.

6. Prior to the Brcko arbitration decision on 14 February, SFOR imposed a temporary ban on training and movement activities conducted by the parties' military units. This ban was lifted on 10 March, although the parties still have to apply for permission to move and train their units. SFOR will examine each request individually before granting permission. Similarly, the ban on the call-up of reservists, which was also imposed by SFOR in the lead-up to the

Brcko decision, has now been lifted, although any party wishing to call up reserves must forward its request to SFOR three weeks in advance.

7. With respect to freedom of return, there were serious disturbances over the reporting period associated with the return of refugees to the village of Gajevi, in the zone of separation near Celic. These disturbances were apparently triggered by the arrest of a Bosniac by the Bosnian Serb police on 26 February. On 26 February, four Bosniac prefabricated houses in Gajevi were completely demolished by a series of explosions. Later that same day, 3 Bosnian Serbs were kidnapped and beaten by 15 armed Bosniacs, in apparent retaliation for the arrest of the Bosniac. In the early hours of 1 March the three were released and were taken to the SFOR position just outside Celic.

8. On 2 March, a group of about 150 Bosnian Serbs then moved into Gajevi from the nearby area of Koraj and set fire to nine prefabricated Bosniac houses in the village. SFOR troops linked arms and blocked the crowd from destroying the two remaining prefabricated houses. Bosnian Serb police subsequently arrived on the scene, too late to prevent the destruction. Tensions escalated still further on 3 March when approximately 50 Bosniacs gathered at the west end of the Gajevi bridge and prevented a small group of SFOR troops from crossing, demanding their return to their headquarters. Subsequently, the SFOR troops, with IPTF assistance, succeeded in dispersing the crowd without further trouble.

9. On 4 March, additional SFOR troops moved into the area, setting up a security cordon and imposing a temporary restricted zone around Celic, Koraj and Gajevi. All resettlement and construction activity in Gajevi was prohibited for seven days. However, at the end of that period, on 11 March, the last remaining Bosniac homes in Gajevi were set afire and destroyed by a crowd of around 30 Bosnian Serbs. IPTF has now begun an investigation into the events in Gajevi.

10. In a further development with respect to freedom of return, the Bosnian Serbs announced in early March that Bosniac returnees in the Sapna Thumb area, near Zvornik, would be required to carry Bosnian Serb identity cards. The Bosnian Serb police began issuing the identity cards to Bosniacs living in the towns of Jusici, Dugi Dio and Mahala, and the Zvornik police chief was ordered to evict any resident not in possession of the card by 10 March. Although this procedure is in line with agreed zone of separation resettlement procedures, Bosniac returnees to villages along the zone of separation have insisted in the past on retaining their original identification cards. Aware of the potential for further tension, observers from SFOR and IPTF supervised the Bosnian Serbs' delivery of the cards and persuaded Serb officials to give the Bosniacs more time to get the proper identification. Federation identification cards surrendered to the Bosnian Serb police will be handed over to IPTF for final disposal.

11. In Mostar, the situation remains tense but calm in the wake of last month's violent confrontations between Bosniacs and Bosnian Croats. Following the violence, SFOR's presence in the city was strengthened, patrolling was increased and checkpoints were introduced. SFOR continues to work closely with IPTF in the city and on 9 March, nine illegal police checkpoints (eight Bosnian Croat and one Bosniac) were discovered and subsequently dismantled.

12. The Parties have made some progress with respect to demining, and have complied with the decisions taken at the mid-January meeting of the Joint Military Commission, defining targets for demining activity. Since 21 February, over 70 demining activities were monitored by SFOR.

Cooperation with international organizations

13. SFOR continues to provide support within its capabilities to the international civil organizations in theatre. As noted above, there is close daily coordination with IPTF. In addition, following the violence in Mostar, it was agreed that senior officials from SFOR, the Office of the High Representative and IPTF should meet daily in Sarajevo as a "Mostar Security Coordination Group". It was also agreed that there should be a joint 24-hour command post at the office of the High Representative in Mostar. Building on existing operational liaison and communications arrangements, these initiatives have strengthened coordination and improved responsiveness.

14. SFOR will establish a close working relationship with the new Deputy High Representative for Brcko appointed at the Brcko Implementation Conference in Vienna on 7 March. SFOR will also coordinate closely with the enhanced IPTF presence in Brcko and will work with the Office of the United Nations High Commissioner for Refugees and other organizations involved in order to implement procedures for the phased and orderly return of refugees and displaced persons.

15. SFOR continues to cooperate closely with the Organization for Security and Cooperation in Europe (OSCE) in its preparations for the municipal elections, which have now been moved to September 1997. SFOR will continue to support OSCE in its role of ensuring compliance by the parties with the corresponding commitments under the Peace Agreement. The temporary suspension of SFOR's weapons confiscation policy (referred to in para. 5 above) resulted in the declaration by the parties of a number of weapons which fall under the responsibility of OSCE. Once the figures involved have been fully verified, they will be provided separately by SFOR to the Personal Representative of the OSCE Chairman-in-Office.

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S/1997/258
27 March 1997

ORIGINAL: ENGLISH

# LETTER DATED 27 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF ITALY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The humanitarian situation in Albania continues to deteriorate. In particular, there are increasing concerns over the delivery of aid to the civilian population. Stocks of food, medicine and medical supplies have been badly depleted. This is clearly a situation that requires prompt action by the international community.

The statement by the President of the Security Council of 13 March 1997 has encouraged States Members of the United Nations and international organizations to help with the provision of humanitarian assistance to Albania.

Today, the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) adopted a decision in which it, having taken note of the official appeal for assistance by the Albanian authorities to a group of countries, appreciates that certain participating States are willing to meet the official request, and expects any assistance to be given in accordance with the Charter of the United Nations and OSCE principles, as well as with appropriate action by the Security Council.

This decision establishes the conditions for launching a prompt, important and complex effort to assist Albania in this difficult phase. Procrastination or delay of this action could have very grave consequences for the people of Albania. Humanitarian action cannot effectively take place without the existence of adequate security conditions.

In this regard, Italy has taken the initiative of promoting the creation of a multinational protection force, which will operate with full respect for the principles of the Charter of the United Nations and of the OSCE and which, to ensure security and freedom of movement of its personnel, will act under Chapter VII of the Charter. To this end, the Government of Italy has consulted with a number of Governments, in particular the Government of Albania.

The objective of the force will be to help create a safe and secure environment for the action of international organizations to provide support in areas of international assistance. The force will also ensure the protection

and safety of international personnel operating in Albania. The concept of operations for the force will reflect these objectives, in particular the need to ensure early protection of ports, the Tirana airport and the main lines of communication, as well as stocks of humanitarian aid.

In this respect, a legal framework for the provision of this assistance should be envisaged. This framework should, in our view, take the form of a resolution by the Security Council authorizing Member States who are willing to participate in such a multinational force to conduct the operation to achieve the above-mentioned objectives.

The Government of Italy is prepared to work without delay with other Governments to enable the deployment of a temporary humanitarian operation for Albania. Italy would also be ready to take the lead in organizing and commanding such an operation.

I would be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) F. Paolo FULCI
Ambassador

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S/1997/259
28 March 1997

ORIGINAL: ENGLISH

# LETTER DATED 28 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE OF ALBANIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government I have the honour to communicate to you the following.

The situation in Albania remains serious. The control of the Government, law and order have yet to be achieved in a significant part of the country. A matter of grave concern is the humanitarian situation, further aggravated as a result of lack of security and the increasing need for basic humanitarian goods.

Considering the situation and upon the official appeal of the Government of Albania to a group of countries, the Organization for Security and Cooperation in Europe (OSCE) agreed yesterday to support the willingness of some member States to participate with a military or a police force in the protection of humanitarian activities in Albania. The Albanian Government and the Albanian people highly appreciate this action of OSCE and the readiness of a number of countries to participate in that force.

Albania is looking forward to the arrival of such a force. Taking into consideration the situation in Albania, we feel that such a force must also have the necessary support and authorization of the Security Council of the United Nations.

In order to facilitate the Council's taking a decision, while details will be worked out in due course, I am authorized to mention some elements of a possible mandate for the deployment of this force. We would like the force to be composed of troops from a number of countries which have been addressed by the Albanian authorities and which have already expressed their willingness and readiness to join in a multinational force. The objective of the force will be to provide security for the delivery of humanitarian aid throughout Albania and to help create a durable safe environment for the safe provision of international assistance. In order to accomplish such an objective, the force will work in close cooperation with the relevant Albanian authorities. The force would perform such duties as accompanying humanitarian convoys, protecting international humanitarian personnel, protecting some key ports or airports where humanitarian goods are expected to enter Albania, guarding depots and



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other places where humanitarian goods are kept, and securing safe corridors for humanitarian convoys on parts of national roads.

The force would stay in Albania until the conditions on the ground make it possible for the Albanian Government to ensure the safe delivery of humanitarian goods, until the coming general elections. The Albanian Parliament will decide more precisely how short will be the temporary period during which the force will remain. With the measures the Government is taking, supported by the international community, we expect that the situation will soon be stabilized and that the country will return to normality.

In conclusion, I must stress the urgency of the matter. Albania needs the assistance of the international community now. We expect that the Security Council will be able to take promptly the right decision on Albania.

I have the honour to enclose as annexes to this letter the following material: updated information on the situation in Albania; decision 160, dated 27 March 1997, of the OSCE Permanent Council; and the conclusions of the meeting of the Council of the European Union, dated 24 March 1997.

May I ask for your kind assistance in having the present letter and its annexes circulated as a document of the Security Council.

(Signed) Pellumb KULLA
Ambassador and Permanent Representative

## Annex I

## Updated information on the Albanian crisis

In the last couple of months, following the collapse of the pyramid investment schemes, the situation in Albania has deteriorated further, indeed to levels unprecedented in the history of the country. The structures of the Ministries of the Interior and Defence proved to be incapable of dealing with the situation, with the massive unrest which swept entire regions of the country. Those structures, as a matter of fact, crumbled in many instances and left everything at the mercy of chaos and anarchy, which ensued in large parts of the country, resulting in many casualties so far and in a popular state of mind which led hundreds of thousands to break into armouries and loot weapons for "self-defence", aimless intentions or criminal goals. A massive wave of destruction of public, private and institutional property ensued, with many criminal bands and illegal traffickers of immigrants, drugs and weapons finding a "burned soil" for further criminal activities.

This situation of complete disorder and lack of security was also bound to bring about another wave of tens of thousands of refugees sailing and landing in neighbouring Italy, and forcing it to proclaim an emergency situation, too.

Under these circumstances, the Albanian Parliament proclaimed the State of Emergency, which in many parts has not been effective because, among other things, many areas are under rebel control. The Government of National Reconciliation, formed on the basis of the broadest possible consensual coalition of all political parties, is very actively involved in solving two major issues, restoration and maintenance of law and order, and preparing and leading the country to new parliamentary elections, due in June this year.

After detailed analysis of this crisis, in close interinstitutional consultation, it was decided unanimously to appeal formally for international assistance. The President of the Republic, the Prime Minister and all the political parties addressed a formal request to the Western European Union, for a group of countries to assist in restoring and maintaining law and order, resolving the security situation, guaranteeing distribution of humanitarian aid, and protecting lines of communication, and for international community missions to start operating in the country through a multinational police protection force.

The Organization for Security and Cooperation in Europe responded swiftly to the deteriorating situation in one of its member States, endorsed the appointment of the former Austrian Chancellor, Dr. Franz Vranitzky, as Personal Representative for Albania of the Chairman-in-Office, and fully supported his active and vigorous engagement in the Albanian crisis. Dr. Vranitzky's two formal contacts with the Albanian authorities, immediately after his designation as Personal Representative, led to a number of recommendations on his part, the priority one being the formation of a multinational force by way of a coalition of the willing.

The Council of Ministers of the European Union addressed the Albanian crisis with utmost seriousness and in its conclusions of 24 March 1997 affirmed the determination to play the major role in helping Albania return to political stability and restore internal security. It sent two missions to Albania to assess the situation and agreed on a package approach to deal with the crisis. It decided to cooperate within the coordinating framework of OSCE. The European Union also decided to set up an Advisory Mission to Albania to advise on humanitarian, economic, political and security-related developments. In its efforts to assist Albania to establish a viable police force, the Council welcomed the ongoing efforts of certain member States to assemble a multinational protection force to meet the request of the Albanian Government.

At its latest meeting, on 27 March 1997, the Permanent Council of OSCE, as the only pan-European security organization, having listened closely to the appeal analysis, arguments and requests of Albania, as well as the recommendations of the Personal Representative of the Chairman-in-Office, the information provided by the head of the European Union mission to Albania, and the conclusions of the European Council, discussed and analysed the situation in detail and decided on a comprehensive, rapid action of the international community to address the Albanian crisis. The organization decided to establish an OSCE presence in Albania in cooperation with the Albanian authorities and to provide the coordinating framework for other international institutions, including the Council of Europe, to play their part, in their respective areas of competence, in the fields of democratization, the media, human rights, and election preparation and monitoring. The overall coordination of efforts will be ensured by Dr. Vranitzky as Personal Representative of the Chairman-in-Office who, in turn, will immediately take steps to establish the OSCE presence.

The Organization for Security and Cooperation in Europe has taken note of the official appeal made by the Albanian authorities to a group of countries for assistance in resolving the security situation, appreciates that certain States are willing to meet those official requests, and expects any assistance to be given in accordance with the Charter of the United Nations, OSCE principles and appropriate action by the Security Council.

Annex II

Decision No. 160 of the Permanent Council of the Organization for Security and Cooperation in Europe, adopted at the 108th plenary meeting, on 27 March 1997

Recalling Permanent Council Decision No. 158, the Permanent Council further decides to establish an OSCE presence in Albania in cooperation with the Albanian authorities and to provide the coordinating framework within which other international organizations can play their part in their respective areas of competence, in support of a coherent international strategy, and in facilitating improvements in the protection of human rights and basic elements of civil society.

1. In cooperation with other international organizations, such as the Council of Europe, the OSCE will provide advice and assistance, in particular in the following fields:

- Democratization, the media and human rights;

- Election preparation and monitoring.

Furthermore, OSCE will explore other possibilities, including monitoring the collection of weapons.

The Chairman-in-Office will immediately prepare steps to establish the OSCE presence as soon as possible, and will report back promptly to the Permanent Council, which will take any necessary decisions without delay.

The overall coordination of the efforts of the international community will be ensured by Dr. Vranitzky as Personal Representative of the Chairman-in-Office. He will report to the Permanent Council on progress achieved.

The Permanent Council welcomes the initiative of the European Union to dispatch without delay an advance team with OSCE participation to prepare the ground for the establishment of an advisory mission within this framework.

The time-frame for the OSCE presence will be reviewed by the Permanent Council after the holding of elections.

2. The Permanent Council

Has taken note of the official appeal made by the Albanian authorities to a group of countries for assistance in resolving the security situation in Albania;

Appreciates that certain participating States are willing to meet this official request;

Expects any assistance to be given in accordance with the United Nations Charter and OSCE principles and in accordance with appropriate action by the United Nations Security Council;

Expects to be informed on any further steps to be taken in this context; and

Decides to remain seized of this matter at all stages.

Annex III

Conclusions of the Council of the European Union
at its meeting on 24 March 1997

1. The Council had an in-depth exchange of views on the situation in Albania on the basis of the report of the European Union mission that visited Albania from 17 to 19 March. It expressed appreciation for the mission's work and discussed further steps to be taken.

2. The Council reaffirmed the determination of the European Union to play the major role which was its responsibility in helping Albania to return to political stability and restore internal security, as well as in providing humanitarian assistance and in working with the international financial institutions on support for wider economic reforms.

3. Recognizing that Albania is a member of the Organization for Security and Cooperation in Europe (OSCE), it noted also that many OSCE countries not members of the European Union have important roles to play and that OSCE has special experience and authority in a number of fields, notably in promoting a democratic process as well as supervising and monitoring elections. The Council accordingly expressed its support for the efforts undertaken by the current Chairman of OSCE, in particular concerning the mission entrusted to former Austrian Chancellor Vranitzky, which deserved to be supported and further strengthened. The Council decided that the European Union would cooperate within the coordinating framework of OSCE. It looked to the Council of Europe and other international organizations to play their part also within this framework in their respective areas of competence.

4. In this context the Council addressed the question of aid to Albania in the areas of humanitarian, economic and financial assistance, security and the preparation of future elections.

5. The Council decided to take the initiative of setting up an Advisory Mission to Albania within the framework of paragraph 3, to advise on humanitarian, economic, political and security-related developments. It would also assess the need for and feasibility of further assistance, taking account of the security situation and bearing in mind the particular problem of illegal migrants.

6. In order to prepare the ground for the Advisory Mission, the Council decided to dispatch an advance team without delay. This advance team, to which, in the spirit of paragraph 3, representatives of other international organizations would be invited, would make recommendations on the composition of the Advisory Mission and facilitate the arrival of humanitarian assistance.

7. The Council noted the need for humanitarian aid, and welcomed the intention of the European Commission's Humanitarian Office to respond generously to the immediate needs and to supply food and medicines. It also noted that further humanitarian assistance would be available by pre-positioning foodstocks as soon as security conditions allowed. It recalled the possibility of financing, under

the Humanitarian Aid Regulation, efforts to ensure that aid would be accessible to those for whom it was intended.

8. The Council noted the Commission's intention to focus future PHARE assistance on areas directly related to the relaunching of economic activity and the reform of public administration and of the media; and that financial support would have to be subject to close coordination with the international financial institutions.

9. The Council stressed that economic and financial support would also be subject to the re-establishment of the necessary secure environment.

10. The Council considered it important to assist Albania in the re-establishment of a viable police force and decided that the European Union would support this process through the appropriate measures, such as training. The Council also underlined the importance of assisting this process through appropriate monitoring and considered that the European Community Monitoring Mission could make a contribution to this effort.

11. Given present conditions of security in Albania, the Council welcomed the ongoing efforts of certain member States to assemble, at the request of the Government of Albania, a multinational protection force under the appropriate international aegis to help create a secure environment for the safe provision of international assistance.

12. The Council asked the appropriate Council instances to prepare a joint action for the Advisory Mission referred to in paragraph 5.

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